

REMARKS

Applicants note the due date for responding to the outstanding Office Action expires on Sunday, July 12, 2009. Thus, this Amendment is being timely filed.

In the *Ex Parte Quayle* Office Action dated May 12, 2009, the Examiner indicated that claims 1-5 and 8-14 are allowed and prosecution is closed on the merits. The Examiner objected to the Specification because it disclosed nucleic acid or amino acid sequences in a manner not in compliance with 37 C.F.R. 1.821 through 1.825 (see paragraph 2, page 2 of the Office Action).

Enclosed herewith in full compliance with 37 C.F.R. §§1.821-1.825 is a Sequence Listing to be inserted into the specification as indicated above. The Sequence Listing in no way introduces new matter into the specification. Also submitted herewith in full compliance with 37 C.F.R. §§1.821-1.825 is an electronic CRF copy of the Sequence Listing. The electronic CRF copy of the Sequence Listing, file "2009_07_09_4600_0130PUS1_ST25.txt", is identical to the paper copy, except that it lacks formatting. In no way do the paper copy nor the electronic CRF copy of the Sequence Listing introduce new matter into the application.

The specification is amended to properly identify each disclosed sequence from the description with a corresponding sequence identification number (SEQ ID NO). No new matter is introduced by these amendments.

Thus, this objection has been overcome and all formal matters have been sufficiently addressed. Applicants request entry of this Amendment and that the PTO allow this application to proceed towards issuance.

CONCLUSION

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Mary M.H. Eliason. No. 58,303 at (858) 792-8855, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.147; particularly, extension of time fees.

Dated: July 13, 2009

Respectfully submitted,

By *Marc S. Weiner* #48,501
f Marc S. Weiner
Registration No.: 32,181
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant